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Attorneys for Plaintiff DMF, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DMF, Inc., a California corporation,

Plaintiff,

v.

AMP Plus, Inc. d/b/a ELCO Lighting,
a California corporation; and ELCO
Lighting Inc., a California
corporation,

Defendants.

Civil Action No. 2:18-cv-07090 CAS
(GJXx)

**Plaintiff DMF's Notice of Motion
and Motion for Remedial Measures
in Response to Defendants'
Violation of Mediation Privilege
Order in Their Opposition (Dkt.
248) to DMF's *Ex Parte*
Application for Reconsideration of
the Court's Order Granting ELCO
Leave to Amend Contentions**

Hearing Date: August 28, 2019
Time: 10:00 a.m.
Ctroom: 640 Roybal Federal Building
Magistrate Judge Gail J. Standish

1 TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Please take notice that Plaintiff DMF, Inc. ("DMF") hereby seeks relief from
 3 the Court regarding Defendants' ("ELCO's") violation of the Mediation Privilege
 4 Order (Dkt. 167) entered by Magistrate Judge Standish. More specifically, on July
 5 11, 2019, ELCO made a public filing in this case that not only disclosed
 6 Confidential/Privileged Mediation Communications, but made false representations
 7 about the parties' mediation discussions in order to "poison the well" for DMF
 8 before Hon. Christina A. Snyder, as she considered several pending discretionary
 9 motions, including a motion to stay this case that has been denied without prejudice.

10 This motion is made based on this Notice of Motion and Motion, the
 11 concurrently filed Memorandum of Points & Authorities filed in support and the
 12 concurrently-filed Declaration of Ben M. Davidson, the pleadings of record
 13 referenced in the memorandum, such further argument and evidence as may be
 14 considered by the Court, and the proposed order submitted concurrently herewith.

15 The motion is brought after unsuccessful efforts to informally resolve the
 16 matter in meet-and-confer discussions with counsel for ELCO on July 12, 2019 and
 17 July 17, 2019 pursuant to Local Rule 7-3.

18 Respectfully submitted,

19 Dated: July 31, 2019

By: /s/ Ben M. Davidson

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